State of Maryland
Board of Natural Resources

Maryland Laws Governing the Board of Natural Resources and Associated Departments, with Interstate Compacts on Natural Resources

May, 1944
Educational Series No. 3

DEPARTMENT OF RESEARCH AND EDUCATION
Solomons Island, Maryland

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PREFACE

Chapter 508 of the Acts of 1941 created the Board of Natural Resources to correlate and integrate the work of five conservation Departments which had hitherto been entirely separate from each other. It is only natural, therefore, that the statutes describing the Board and its associated Departments should be widely scattered in the Code of Public General Laws. Since there is considerable difficulty and inconvenience in consulting the laws which govern the composition, powers and relationships of these agencies, it has appeared desirable to collect and arrange these statutes in a logical manner readily accessible to the members of the Board, members of the General Assembly, and private citizens who may be interested in the natural resources of the State.

It will be observed that the laws quoted in Parts I and II do not embrace all the conservation agencies of the State, but only those affiliated with the Board of Natural Resources. Moreover, since we have sought to show chiefly the structure, inter-relations, and scope of the Board and the Departments, we have omitted specific game laws, oyster laws, mining laws, etc., which are published elsewhere by individual Departments.

The statutes of Part III have no particular connection with the Board of Natural Resources, yet their importance and inaccessibility appear to justify their inclusion here.

We are indebted to William H. Bayliff, Executive Secretary of the Board of Natural Resources, for collecting and editing the material contained in this bulletin.

R. V. TRUITT, Director,
Department of Research and Education

May, 1944.

PART 1

BOARD OF NATURAL RESOURCES

BOARD OF NATURAL RESOURCES

Ch. 508 Acts of 1941

Art. 19A Annotated Code 1943 Supplement

Section 1. **Composition of the Board.** There is hereby created a State agency to be known as the Board of Natural Resources to co-ordinate the activities of the several State departments that are concerned with the conservation of natural resources. The Board shall be composed of the Chairman of the Commission of Tidewater Fisheries, the State Game Warden, the State Forester, the Directer of the Department of Geology, Mines and Water Resources, the Director of Research and Education, Chairman of the Maryland Publicity Commission, and six other members to be appointed by the Governor, two from the tidewater counties of the Eastern Shore, two from the tidewater counties of the Western Shore, and two from the State at large. The four appointed from the tidewater counties shall have practical knowledge of tidewater fisheries and shall have no financial interest in the fisheries industry. The Chairman of the Commission of Tidewater Fisheries shall serve as Chairman of the Board.

Section 2. **Term and Compensation. Meetings.** The term of office of the six appointive members of the Board shall be six years from June 1, 1941, but of those first appointed, one shall serve for one year, one for two years, one for three years, one for four years, one for five years and one for six years. The Governor may remove any appointive member for cause, and may fill any vacancy for the unexpired portion of the term of office in which such vacancy occurs. The members shall receive no compensation for their services, but shall be reimbursed for necessary travelling expenses and disbursements incurred in attending meetings or performing other official duties. The Board shall be required to meet at least once every two months, and special meetings may be called by the Chairman or upon the written request of five members of the Board. A majority of the members shall constitute a quorum.

Section 3. **Duties of the Board.** The Board shall discuss the problems of conservation, departmental, State or Federal, act as a clearing house for constructive suggestions and recommendations, deal with such conservation matters, complaints, suggestions or proposals as can be handled more satisfactorily by the Board than by the several departments represented upon said Board, and review the work of each such department. The Board shall annually submit to the Governor a comprehensive printed report covering the activities, accomplishments and recommendations of the several departments represented upon said Board. Such report shall also include pertinent information on finance and budgets. The Board shall maintain its office at such central location as the Board of Public Works may direct, so that each of the Departments represented upon the Board may have access to the records of the other departments.

Section 4. **Executive Secretary, Literature of the Board.** The Board shall appoint in accordance with the provisions of the Merit System law an Executive Secretary and such other employees as it deems necessary, who shall receive such compensation as may be provided in the Budget. The Executive Secretary shall be a person with executive ability and experience and with knowledge of the general principles involved in the conservation, development and restoration of the natural resources of the State and shall receive compensation not exceeding $3,000 per year.

The Board shall issue its literature, advertising and other media as to the natural advantages and resources of the State through the Maryland Publicity Commission. The employees of the Maryland Publicity Commission, subject to classification and qualifying, but not competitive, examination, shall be placed under the provisions of the Merit System law and receive such compensation as may be provided in the State Budget.

Ch. 508 Acts of 1941

Art. 19A Annotated Code, 1939 Ed.

Section 13. **Additional duties of Board. Rare earths and minerals.** Every person, firm, association or corporation taking any minerals, or rare earths, under

the provisions of this sub-title, shall file, on or before the last Monday in January of each year, with the Board of Natural Resources a written statement duly verified, showing the gross tons of two thousand pounds the amount of mineral or rare earths taken by such person, firm, association or corporation from such land, during the year ending December 31st, last preceding, on which royalty per gross ton is to be paid as is hereinafter provided for. Any such person, firm or corporation neglecting or refusing to furnish such statement or make such payment shall be subject to a fine of $100 for each day after the said last Monday in January such person, firm, association or corporation shall fail to furnish such statement or make such payment, and in addition to said fine shall forfeit all permits granting the right to extract such minerals or rare earths from said land. Any person who shall, either on behalf of himself or any firm or association, or corporation, verify any such statement which shall be wilfully untrue in any material part shall be deemed guilty of a misdemeanor.

Section 14. **Records of mineral production.** In case the Board of Natural Resources shall not be satisfied with the statement as returned, it may make an examination of the matters necessary to verify or correct said statement, and, for that purpose, may subpoena witnesses and call for and compel the production of necessary books and papers belonging to the person, firm, association or corporation making the returns.

Section 15. **Royalties from mineral production.** The Board of Natural Resources shall, after examination and approval by it of such statement, transmit the same, together with all moneys received as royalties and rentals, to the Comptroller of the State of Maryland, with its verification. Any moneys arising under the provisions of this sub-title shall, by the Comptroller, be placed to the credit of the Conservation Fund; provided that all amounts in excess of $5,000 shall be paid into the general funds of the State Treasury.

Section 16. **Minerals under the Bay.** Any person, firm, association or corporation desiring permission to extract rare earth and minerals from the public lands under the public navigable waters of the Chesapeake Bay, under this sub-title, must make application therefor to the Board of Natural Resources of the State, describing the location of the land under the public navigable waters of the Chesapeake Bay from which the rare earth and minerals are to be recovered, where possible by stakes driven at definite corners, or otherwise, so as to make practicable the survey provided for in the next following section; the application to be accompanied by a filing fee of $10.

Section 17. **Survey of under-water minerals.** Upon receipt of such application and the payment of $100, the Board of Natural Resources shall direct the Engineer of the Conservation Department to survey the land described. Said Engineer shall make an actual survey of the land at the expense of the applicant, establishing the location of the land by metes and bounds; and within thirty days thereafter filed with the Board of Natural Resources a copy, under oath, of his field notes and plat. If the expense of said survey exceeds the amount of deposit, the applicant shall pay the difference, but in case the deposit is greater than the expense, then the Conservation Department shall refund the applicant the difference between the cost of survey and the amount deposited.

Section 18. **Permits and removing minerals.** All applications made under the sub-title shall be approved or rejected by the Board of Natural Resources, with the approval of the Board of Public Works, within ninety days after the receipt thereof. No such application made under this sub-title shall be approved by the Board of Natural Resources unless and until the same has been approved by the Board of Public Works of Maryland. And whenever the existence of any mineral or rare earth deposit under the public navigable waters of the Chesapeake Bay is brought to the attention of the Board of Natural Resources by an applicant, preference is to be given to the discoverer of the deposit as against any other applicant within the discretion of the Board of Public Works. All such permits or leases shall contain such regulations, covering operations thereunder for the purpose of extracting minerals or rare earths, including the number of acres permissible under one permit, as well as the number of permits to any one person, firm, association or corporation, as shall seem necessary to the Board of Natural Re-

sources and the Board of Public Works for the protection of navigation channels and all other interests of the State.

No permit or lease shall be granted under the provisions of this sub-title for the removal or extracting of minerals or rare earths within 300 yards of mean low water mark without the written permission of the riparian owner or owners, nor within 300 yards of any chartered natural oyster bar or leased bottom. No one permit or lease shall be made for more than 500 acres and no leased area under the provisions of this subtitle shall be within 600 yards of any other such leased area.

Section 19. **Renewal of mineral permits.** Immediately after the approval of the application by the Board of Public Works of Maryland, the Board of Natural Resources shall execute and deliver to the applicant an exclusive permit or lease to dredge for or otherwise recover rare earths and minerals from the lands approved in the application. This permit or lease shall be exclusive in its nature and while it remains in force no other permit or lease shall be granted covering the same land. The permit or lease shall run for not more than five years unless approved by the General Assembly of Maryland; provided, that, upon the expiration of any permit or lease, such permit or lease may be extended from time to time at the discretion of the Board of Natural Resources, with the approval of the Board of Public Works until the next session of the General Assembly of Maryland, upon such terms and conditions as may then be prescribed by law. Any person, firm, association or corporation who has been granted a permit or lease shall pay a rental of $5.00 per acre in advance for a five year permit or lease and such sum as royalty per gross ton for the ensuing year as may be fixed by the Board of Natural Resources with the approval of the Board of Public Works, at the time the permit or lease is issued and shall be subject to yearly changes, in the discretion of the Board of Natural Resources, with the approval of the Board of Public Works; provided, that at the same time the yearly statement is rendered, in accordance with the provision therefor in Section 14 of this Article, the Board of Natural Resources, with the approval of the Board of Public Works, shall yearly fix the royalty per gross ton for the ensuing calendar year.

Section 20. **Enabling provisions.** The Board of Natural Resources, with the approval of the Board of Public Works is hereby authorized to prepare, make, execute and deliver all papers, instruments and documents and to do any and all things necessary to carry out the provisions of this sub-title.

Section 21. **Authority of the Legislature.** The Legislature shall have the right to change from time to time the royalty per ton of minerals or rare earths, and such change shall apply to all persons, firms, associations or corporations holding permits or leases hereunder. Nothing in this sub-title shall be held to invalidate or curtail in any way the rights of riparian owners as set forth in Section 556 of Article 27 of the Annotated Code of Maryland, or any other Act or Acts protecting the rights of riparian owners, or apply to the taking of sand or gravel.

Section 27. **Lands formed by Sinepuxent Channel.** All lands made or formed by the dumping or depositing of excavated materials in the Sinepuxent, Isle of Wight and Chincoteague Bays during the construction or maintenance of the Ocean City Inlet and Channel in said Bays, as well as all land now made or which may hereafter be made or formed by natural causes since the opening of the inlet in August, 1933, between the ocean and the bays, are hereby declared to be natural resources of the State of Maryland and title to the same shall be retained for the use of the Board of Natural Resources, and no patent therefore shall hereafter be issued by the Land Commissioner of Maryland. The Board of Natural Resources is hereby authorized and empowered to use said lands for Conservation purposes in such manner and under such regulations as in its discretion it may deem for the best interest of the State, subject, however, to the approval of the Board of Public Works. Provided, however, that persons who have licenses to hunt or fish in Worcester County shall have the right to hunt or fish, as the case may be, on said lands during the open season for such hunting or fishing.

Ch. 707 Acts of 1943
Art. 39 Annotated Code, 1943 Supplement

Section 110A. **Regulatory powers over the crab fishery.** The Commission of Tidewater Fisheries is hereby empowered to make such rules and regulations and

to modify the same, from time to time, to restrict the taking or catching of crabs, the possession thereof, or the methods by which same may be taken; to close or open any specified area for the taking or catching of crabs, to prohibit or restrict devices used for the taking or catching of crabs and to establish seasons for taking same; to establish minimum size limits for hard, soft, and peeler crabs, and to make regulations with respect to taking and possessing any fat crab, or any crab known as a snot crab, green crab, or buckram crab (a crab that has a paper shell.) Provided, however, that nothing in this section shall be construed to empower said Commission to change existing license fees for taking, picking, canning, packing, or shipping cooked hard or soft crabs or crab meat; or for selling, marketing, or shipping live hard or soft crabs by barrel or crate. The Commission, however, shall have the power to fix license fees on types of gear or equipment not now permitted under existing statutes but which may hereafter be authorized.

Section 110B. **Regulatory Powers require approval of Board of Natural Resources.** No such rules and regulations of the Commission of Tidewater Fisheries shall become effective under Section 110A until said Commission has held public hearings on same, and such public hearings shall be advertised as to time, place and purpose in one newspaper of general daily circulation in the State, and at least in two newspapers circulated in the tidewater counties for two successive weeks in advance of said hearings. After such hearings and upon adoption of such rules and regulations, a certified copy of same, together with reasons for adopting same, shall be transmitted to the Board of Natural Resources at its next regular meeting or at a special meeting called for that purpose. The Board of Natural Resources shall vote to approve or disapprove such rules and regulations and if a majority of the members present vote to disapprove such rules and regulations, the same shall be null and void. But if a majority of the members present at the meeting of the Board of Natural Resources approve such rules and regulations, the same shall be published for one week in the newspapers bearing notice of the hearing and shall thereafter have all the force and effect of the law. Any person or persons found guilty before a Justice of the Peace qualified to try same, or before any court on appeal, of violating any such rules or regulations, shall be guilty of a misdemeanor, and be fined not less than $10.00 nor more than $25.00 in the case of any person or persons taking or catching crabs, and not less than $10.00, nor more than $100.00 in the case of any buyer, packer, or shipper of crabs.

Ch. 738 Acts of 1943

Art 39 Annotated Code, 1943 Supplement

Section 58A. **Regulatory powers over sturgeon fishery require approval of Board of Natural Resources.** The Commission of Tidewater Fisheries is hereby authorized to make rules and regulations governing the taking of sturgeon from the waters of this State or the possession and sale within the State, of sturgeon taken from the waters of this State. The rules and regulations so promulgated shall have the force of law and any person who shall violate any of the said rules and regulations, shall be guilty of a misdemeanor, and upon conviction, shall be fined for each violation the sum of One Hundred Dollars ($100).

No such rules and regulations of the Commission shall become effective until said Commission has held public hearings on same, and such public hearings shall be advertised as to time, place and purpose in one newspaper of general daily circulation in the State, and at least in two newspapers circulated in the tidewater counties for two successive weeks in advance of said hearings. After such hearings and upon adoption of such rules and regulations, a certified copy of same, together with reasons for adopting same, shall be transmitted to the Board of Natural Resources at its next regular meeting or at a special meeting called for that purpose. The Board of Natural Resources shall vote to approve or disapprove such rules and regulations and if a majority of the members present vote to disapprove such rules and regulations, the same shall be null and void. But if a majority of the members present at the meeting of the Board of Natural Resources approve such rules and regulations, the same shall be published for one week in the newspapers bearing notice of the hearing and shall thereafter have all the force and effect of law. No rule or regulation shall be adopted, nor be effective, hereunder unless or until the State of Virginia has in effect, or simultaneously puts into effect, a rule, regulation, or law with similar provisions as the rule or regulation made by the Commission.

PART II

DEPARTMENTS ASSOCIATED WITH THE BOARD OF NATURAL RESOURCES

DEPARTMENT OF TIDEWATER FISHERIES

Ch. 508 Acts of 1941

Art. 19A Annotated Code, 1943 Supplement

Section 5. **Commission of Tidewater Fisheries.** There is hereby created a State department to regulate and control the tidewater fisheries to be known as the Commission of Tidewater Fisheries. Said Commission shall be composed of three members, citizens and residents of this State, to be appointed by the Governor, by and with the advice and consent of the Senate, not more than two of whom shall be of the same political party. The Governor shall designate one member as Chairman, and the member so designated shall retain such status during his term of office. The initial members of said Commission shall be those persons constituting the Conservation Commission on the effective date of this Act. Upon the expiration of the respective terms of such persons on June 1, 1943, one member shall be appointed for a term of two years, one for a term of four years, and one for a term of six years, and thereafter the appointments shall be for terms of six years. The Governor shall have power to remove any member for cause, and to fill any vacancy for the unexpired portion of the term. In all cases the decision of a majority of the members of the Commission shall be binding. The salary of the Chairman of the Commission shall be five thousand dollars a year, and the salary of each of the other members shall be three thousand dollars a year and they shall each be entitled to receive in addition thereto the necessary travelling expenses and disbursements incurred by them in the discharge of their official duties.

Section 6. **Duties and powers of Commission.** The Commission shall have general supervisory power, regulation and control over the following natural resources of the State, within the bounds of tidewater, viz: fish, crabs, terrapin, oysters, clams and other shellfish. The Commission shall exercise the power conferred and perform the duties imposed by all laws now in force or hereafter enacted relating to any of the above subjects, and particularly the provisions of Articles 39 and 72 of the Code relating to the tidewater fisheries. The commission is authorized to operate, sell, buy, lease, exchange, rent or repair such vehicles, vessels, boats, nets and other equipment as may be necessary for its work, and to provide such arms, ammunition and equipment as may be required for the vehicles, vessels and boats owned by it or owned by the State of Maryland and operated by it, subject to the provisions of the Budget and Procurement law, Article 15A of of the Code.

Ch. 508 Acts of 1941

Art. 39, Annotated Code, 1943 Supplement

Section 3. **Hatcheries and restocking.** In addition to any other duties imposed by law, it shall be the duty of the Commission of Tidewater Fisheries in tidal waters and the Game and Inland Fish Commission in non-tidal waters, to inspect all the waters of this State with a view to stocking the same with such food fish as in their judgment shall be most advantageous. The Commission of Tidewater Fisheries and the Game and Inland Fish Commission are also authorized and empowered to erect and maintain suitable fish hatcheries, ponds, and rearing stations for propagation purposes and for stocking the streams with fresh water fish, and to maintain such hatcheries, ponds, and rearing stations on the waters of Chesapeake Bay and its tributaries for the purposes of propagation of salt water or anadromous fish, such hatcheries to be maintained out of any funds under the control of the Commission of Tidewater Fisheries or Game and Inland Fish Commission, as the case may be.

Ch. 508 Acts of 1941

Art. 39, Annotated Code 1939 Ed.

Section 17. **Pollution of waters of State.** (Pollution Prohibited—Penalty.) Whenever any water-course, well, spring, open ditch, gutter, cesspool, sewer, private or public drain, privy-pit, pig pen, or other place, or any accumulation or

deposit of waste or other offensive or noxious matters discharged from any house, building, trade establishment or manufacturing place, or any waste from any vessel shall become or dangerously threaten to become deleterious to or destructive of fish or shellfish life, or the propagation, cultivation or conservation thereof, or to their safety as human food, or in any manner a menace to said fish or shellfish whether private or public property, in any waters of the State, the Commission of Tidewater Fisheries or the Game and Inland Fish Commission, as the case may be, shall forthwith investigate the matter, and if it be so found shall serve a notice in writing on the person, firm or corporation, by whose act, default or sufferance such condition may arise or continue, requiring the abatement of the same within a time to be fixed by the Commission and to be specified in the notice, under a penalty imposed by a Court of not less than one hundred dollars, nor more than three hundred dollars, or imprisonment for not less than one year nor more than three years, or be both fined and imprisoned, in the discretion of the Court. It shall be construed as a separate and distinct offense for each day the nuisance is permitted to continue after the expiration of the time limit set forth in the notice for the abatement of such nuisance, provided, however, that nothing herein contained shall be deemed to alter, change, modify or restrict the jurisdiction of the State Board of Health of Maryland; provided, however, that the provisions of this section shall not apply to the Sewerage Disposal Plant of any city, town or county in this State.
See also:

Art. 39: Sec. 1- 79—Fish (see also current regulations)
Sec. 80-102—Repealed (Ch. 707 Acts of 1943)
Sec. 103-113—Crabs (see also current regulations)
Sec. 117-116—Clams
Sec. 117-123—Terrapins

Art. 72: Sec. 1-169—Oysters (see also current regulations)

DEPARTMENT OF GAME AND INLAND FISH

Ch. 708 Acts of 1943

Art. 99 Annotated Code, 1943 Supplement

Section 3. **Appointment tenure, and meetings of the Commission.** A Commission to be known as the Game and Inland Fish Commission is hereby created. The Commission shall consist of five citizens of this State, who shall be appointed by the Governor and who shall fairly represent the several geographical sections of the State, and no person shall be appointed to said Commission unless said person has held or has been the owner of a hunter's license or an angler's license prior to said appointment; and said person shall be well informed on the subject of wild life conservation and restoration, especially wild water-fowl, birds, game, fur-bearing animals and inland fishes.

The members of the Commission shall hold office for terms of five (5) years and shall receive no compensation for their services as members thereof, except that each Commissioner shall be reimbursed for actual and necessary traveling expenses incurred or made by him in the discharge of his official duties to be paid from the State Game Protection Fund at the rate of five cents (5c) per mile for traveling expenses and not more than five dollars ($5.00) per day for subsistence.

The Governor of Maryland shall designate one Commissioner to serve for one year; one Commissioner to serve for two years; one Commissioner to serve for three years; one Commissioner to serve for four years; and one Commissioner to serve for five years; all of said terms shall begin on the first Monday in June, 1939. Thereafter such appointments of Commissioners shall be for terms of five (5) years.

Upon the death, resignation or removal from office of any person so appointed as aforesaid, the Governor shall fill the vacancy for the unexpired term. The

Governor may remove a Commissioner for inefficiency, neglect of duty, or misconduct in office.

The Commission shall hold meetings at the office in Baltimore in July and January and at such other times and places within the State as the Chairman and Game Warden may appoint. At the meeting held in July, the Commission shall elect one of its members as chairman, and one of its members as vice-chairman. Such officers shall hold office for a period of one year. Three members of the Commission shall constitute a quorum for the transaction of business. Provided, however, this Act shall not change the status in any manner of the present members of said Commission.

Section 4. **State Game Warden and other officers.** (Game Warden.) The Game and Inland Fish Commission of Maryland shall appoint, in accordance with the provisions of Article 64A of the Annotated Code of Maryland, a Game Warden for the State who shall receive such salary as shall be provided in the budget, and he shall be entitled to traveling expenses, and all other expenses incurred when away from home in the discharge of his duties; provided, however, that the present State Game Warden shall be the first Game Warden of this State under the provisions of this section, and provided further, that the present Game Warden, all officers and employees of the Game and Inland Fish Commission shall be and remain under the Merit System and no employee shall have his or her status under the Merit System altered or changed.

The Game Warden shall have charge of, direct, supervise, and control all deputy game wardens and employees of the Commission.

The Game Warden shall have authority to have printed the Annual Report of the Commission, and such bulletins, literature, posters, licenses and other printing as may be necessary to the work of the Commission, including the publication now known as the "Maryland Conservationist."

It shall be the duty of the Commissioners, the Game Warden, and Deputy Game Warden to prosecute all persons and corporations having in their possession any game or inland fish contrary to the laws of this State. It shall be their duty to see that the game and fish laws are enforced.

Section 5. **Powers of the Commission.** (Powers.) Having a due regard for the distribution, abundance, economic value and breeding habits of wild birds, wild animals, and fish, in inland waters, the Commission is hereby vested with the necessary power and authority to determine when, to what extent, if at all, and by what means it is desirable to enlarge, extend, restrict or prohibit in any degree the provisions of law obtaining in any county in this State for the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage or export of any wild bird, wild animal, or fish from inland waters, and may, upon its own initiative or upon written petition of fifty residents of any county, at least 25 of whom shall hold valid Hunter's License or Angler's License and at least 25 of whom shall be bona fide farmers who actually reside on a farm, propose regulations for such purpose. The full text of any regulations proposed shall be published ten days before the same may be acted upon and shall name the time and place that the matters mentioned therein will be taken up, at which time any interested citizen shall be heard. Such publications shall be made in a newspaper published in this State. If the commission is satisfied that the proposed regulation, or any part thereof is advisable, such regulation, or any part thereof may be adopted in the manner directed for proposing the same and shall name the date when it is to become effective. It shall be a misdemeanor to violate such regulation, or any part thereof, and any person convicted of such violation shall be fined not less than Ten Dollars ($10.00) nor more than Fifty Dollars ($50.00) and may be sentenced to thirty (30) days in jail, either, or both, in the discretion of the Court or Justice of the Peace before whom said person shall be tried. A copy of any regulation adopted by the Commission shall be mailed to the Clerk of the Circuit Court who shall make a record thereof and cause the same to be posted in front of the Court House of the County.

Ch. 508 Acts of 1941

Art. 39 Annotated Code—1943 Supplement

Section 3. **Hatcheries and restocking.** In addition to any other duties imposed by law, it shall be the duty of the Commission of Tidewater Fisheries in tidal waters and the Game and Inland Fish Commission in non-tidal waters, to inspect all the waters of this State with a view to stocking the same with such food fish as in their judgment shall be most advantageous. The Commission of Tidewater Fisheries and the Game and Inland Fish Commission are also authorized and empowered to erect and maintain suitable fish hatcheries, ponds and rearing stations on the waters of Chesapeake Bay and its tributaries for the purposes of propagation of salt water or anadromous fish, such hatcheries to be maintained out of any funds under the control of the Commission of Tidewater Fisheries or Game and Inland Fish Commission, as the case may be.

Ch. 508 Acts of 1941

Art. 39, Annotated Code, 1939 Ed.

Section 17. **Pollution of waters of State.** (Pollution Prohibited—Penalty.) Whenever any watercourse, well, spring, open ditch, gutter, cesspool, sewer, private or public drain, privy-pit, pig pen, or other place, or any accumulation or deposit of waste or other offensive or noxious matters discharged from any house, building, trade establishment or manufacturing place, or any waste from any vessel shall become or dangerously threaten to become deleterious to or destructive of fish or shellfish life, or the propagation, cultivation or conservation thereof, or to their safety as human food, or in any manner a menace to said fish or shellfish whether private or public property, in any waters of the State, the Commission of Tidewater Fisheries or the Game and Inland Fish Commission, as the case may be, shall forthwith investigate the matter, and if it be so found shall serve a notice in writing on the person, firm or corporation, by whose act, default or sufferance such condition may arise or continue, requiring the abatement of the same within a time to be fixed by the Commission and to be specified in the notice, under a penalty imposed by a Court of not less than one hundred dollars, nor more than three hundred dollars, or imprisonment for not less than one year nor more than three years, or be both fined and imprisoned, in the discretion of the Court. It shall be construed as a separate and distinct offense for each day the nuisance is permitted to continue after the expiration of the time limit set forth in the notice for the abatement of such nuisance, provided, however, that nothing herein contained shall be deemed to alter, change, modify or restrict the jurisdiction of the State Board of Health of Maryland; provided, however, that the provisions of this section shall not apply to the Sewerage Disposal Plant of any city, town or county in this State.

For laws governing taking of game and fresh water fish see:

Art. 99, Annotated Code, 1943 Supplement

DEPARTMENT OF STATE FORESTS AND PARKS

Ch. 508 Acts of 1941

Art. 39A, Annotated Code, 1943 Supplement

Section 1. **Commission of State Forests and Parks.** The Department of State Forests and Parks is hereby created to administer and manage State owned or leased forests and parks, the administration of all laws relating to fire control, roadside trees, the restoration of deforested or denuded areas, and the operation of the State Forest Nursery.

Forestry extension work, as now being done on private property, shall continue under the jurisdiction, supervision and direction of the Extension Service of the University of Maryland.

A Commission of State Forests and Parks is hereby created to supersede the present advisory Board of Forestry and the Regents of the University of Maryland in supervising and directing the affairs of this Department. The Commission shall

consist of five members, citizens of the State, to be appointed by the Governor one of whom shall be appointed on the recommendation of the Maryland State Grange, one of whom shall be appointed on the recommendation of the Maryland Farm Bureau, one shall have had practical experience in the business of lumbering, and the other two shall be appointed for their general interest in the advancement of forestry. The members of the Commission shall select their own Chairman.

Section 2. **Tenure of the Commissioners. State Forester.** The members of said Commission shall serve for terms of five years from June 1, 1941, but of the first members appointed, one shall serve for one year, one for two years, one for three years, one for four years and one for five years. The Governor shall have the power to remove for cause and any vacancy shall be filled for the unexpired portion of the term. The members of the Commission shall receive no compensation for their services, but shall be reimbursed for necessary traveling expenses and disbursements in attending meetings or performing other official duties. The present State Forester shall become the Director of the Department, and his successor shall be appointed by the Commission, in accordance with the Merit System law. The State Forester shall be a person with executive ability and special training and experience in forestry, and preferably a graduate of an accredited school of forestry. The State Forester shall be the administrative head of the Department, shall appoint such assistants and employees as may be provided for in the Budget, subject to the approval of the Commission and under the provision of the Merit System law, and shall have charge of all Forest Wardens in the State and aid and direct them in their work. All present personnel of the State Department of Forestry shall be transferred to the new Department.

Art. 39A Annotated Code, 1939 Ed.

Section 3. **State acquisition of forest land.** The Department of State Forests & Parks shall have the power to purchase lands in the name of the State, suitable for forest culture and reserves, using for such purposes any special appropriation or any surplus money not otherwise appropriated, which may be standing to the credit of the Forest Reserve Fund, and to make all rules and regulations governing State Reserves, and to employ such labor and do such work as they deem wise in developing and protecting State Reserves under their jurisdiction, and that the Governor of the State is authorized upon the recommendation of said Department of State Forests & Parks to accept gifts of land to the State, the same to be held, protected and administered by the Department of State Forests & Parks as State Forest Reserves, and to be used so as to demonstrate the practical utility of timber culture, water conservation and as a breeding place for game. Such gifts must be absolute except for the reservation of all mineral and mining rights over and under said lands, and a stipulation that they shall be administered as State Forest Reserves, and the Attorney General of the State is directed to see that all deeds to the State of lands mentioned above are properly executed before the gift is accepted.

Section 4. **Cooperation of Dept. with Counties, towns, and individuals.** The State Forester shall, upon request, under the sanction of the Department of State Forests and Parks, and whenever he deems it essential to the best interests of the people of the State, cooperate with counties, towns, corporations and individuals in preparing plans for the protection, management and replacement of trees, wood-lots and timber tracts, under an agreement that the parties obtaining such assistance pay at least the field expenses of the men employed in preparing said plans.

Section 5. **Appointment of Forest Wardens.** Whenever the State Forester considers it necessary he may apply to the Governor to commission such persons as he may designate to act as Forest Wardens of this State, to enforce the forest laws and to carry out all the purposes of this article, and any work that may be assigned to them by the State Forester. If the Governor approves such persons he may appoint them Forest Wardens for a term of two years, but they shall be subject to removal at any time at the pleasure of the Governor. Such Wardens shall receive such compensation for their services as shall be fixed by the State Department of Forestry. Forest Wardens thus appointed shall before entering upon the duties of their office take the proper official oath before the Clerk of the Court of the County in which they reside, after which they shall while holding said office, possess and exercise all the authority and power held and exercised by constables

at common law under the statutes of this State, so far as arresting and prosecuting persons for all violations of any of the forest laws or of the laws, rules and regulations enacted or to be enacted for the protection of the State forestry reservations, or for the protection of the fish and game contained therein are concerned.

Ch. 722, 1943

Art. 39A Annotated Code, 1943 Supplement

Section 52. **Forest policy of State for private and State Forests.** Forests, timberlands, woodlands and soil resources of the State of Maryland are basic assets, and the proper use, development and preservation of these resources are necessary to protect and promote the health, safety and general welfare of the people of the State. It is hereby declared to be the policy of the State to encourage economic management and scientific development of its forest and woodlands to maintain, conserve and improve the soil resources of the State to the end that an adequate source of forest products be preserved for the people. Floods and soil erosion must be prevented and the natural beauty of the State be preserved, wild life be protected, development of recreational interest be encouraged and the fertility and productivity of the soil be maintained, the impairment of reservoirs and dams be prevented, the tax rate be preserved and the welfare of the people of the State be sustained and promoted. Where such interests can be served through co-operative efforts of private forest land owners, with the assistance of the State, it is declared to be the policy of the State to encourage, assist and guide private ownership in the management and fullest economic development of such privately owned forest lands. Conversely, where the public interests above enumerated cannot be served and adequately protected under private ownership, it is the declared policy of the State to acquire control of and title to such lands as rapidly as financial resources of the State will permit.

Section 53. **Definitions.** In this sub-title the following definitions shall apply, unless the context clearly requires otherwise.

Natural resources shall be deemed to include forests, fish and game, water and water power, soils, minerals, and all other like sources of wealth. Woodlands or forests lands shall be construed as meaning any land of an area of three acres, or more, held by the same owner or owners, and primarily devoted to the growth of forest products. The State Commission shall be deemed to refer to the Commission of State Forests and Parks. The District Board shall be deemed to refer to a District Forestry Board created under the conditions of this sub-title. Land owners shall be deemed to include every person, partnership, association, corporation, estate or other party owning woodlands, located in the State and residing in the United States or foreign countries.

Section 54. **Additional powers and duties of State Forests and Parks Commission.** (State Forestry Commission). The administration of the forest conservation practices on privately owned forest land and the management of publicly owned forest lands is vested in the Department of State Forests and Parks. To assist that Department, as at present constituted by law, and without interfering with any of its powers and duties as heretofore established by law, the regularly constituted State Forests and Parks Commission of five members is hereby empowered to administer this law. Representatives of the U. S. Forest Service and the Agricultural Extension Service may meet with such Commission in an advisory capacity. The Commission shall keep a record of its preceedings. The State Commission and the District Boards hereinafter provided for, shall cooperate with existing public agencies in forest management practices, flood control, recreation, wild life management, and related activities. The Commission of State Forests and Parks shall have power to direct and coordinate the activities of the District Boards hereinafter provided for and shall have power to hear appeals from orders or decisions of such local Boards. Any person aggrieved by any order or decision of the State Commission may appeal therefrom, on matters of law, to the Circuit Court of the County in which he is a resident or, if he is a resident of Baltimore City, to Baltimore City Court but the findings of the facts established by such State Commission shall be final.

Section 55. **Power to promulgate rules and regulations.** (Rules and Regulations of the State Forestry Commission). The Commission of State Forests and

Parks shall, from time to time, promulgate rules and regulations not inconsistent herewith for the administration of this sub-title and to carry out its purposes, which rules shall have the force of law. It shall be the duty of the State Forester to enforce all the provisions of this sub-title, to offer assistance to the State Commission and District Boards, to disseminate information concerning the minimum rules of forest practice adopted in the forestry districts of the State; to maintain such inspection of forest management practices as may be necessary to make this sub-title effective and to enforce rules adopted and approved by the Commission of State Forests and Parks.

Section 56. **Forest conservancy districts. Appointment of District Forest Boards and District Forester.** (District Forestry Board.) The Commission of State Forests and Parks shall divide the State into as many convenient districts as may be appropriate, having due regard for the character and extent of the timber stand, similarity of forest problems, the convenience of administration and other pertinent factors and shall establish, by appointment, in each such district so created, a District Forestry Board of not less than five members. The appointments to such District Forestry Board shall, so far as practical, include a person representing each of the major types of forestry and woodworking interests and at least one person representing farm woodland owners, preferably a person connected with a County Farm Bureau or Grange, in each district. County Agricultural Agents and County Foresters, if there are any representing areas lying within such districts, shall have the privilege of participating, without vote, in the meetings of such District Forestry Boards.

Initial appointments to such District Forestry Boards shall be for a term of one, two and three years, respectively, their successors to serve in all cases, for three years. All members shall hold office until their successors have been appointed and have qualified. Within thirty days of their appointment the members of the District Forestry Boards shall meet and elect a Chairman and Vice-Chairman. In 1944 and biennially thereafter, each District Forestry Board shall meet to select a Chairman and Vice-Chairman to serve for a term of two years. The Commission of State Forests and Parks shall have the power to discontinue District Boards for cause at any time. The Commission of State Forests and Parks shall employ and assign to each District Board so created a District Forester who shall, in addition to his other duties, serve as Secretary and Executive Officer of such District Forestry Board. Each member of the District Forestry Board shall receive expenses while engaged in the performance of his duties as such member. The State Commission shall fix the compensation of the District Forester. All compensation payable to and all expenses incurred by a District Board shall be paid out of funds made available to it under the provisions of this sub-title.

Section 57. **Duties of District Forestry Boards.** It shall be the duty of the District Forestry Board:

(1) To promote private forestry by assisting land owners in forest management, the planting of trees, the conservation and development of tree crops, the protection of forests from fires, insects and diseases.

(2) To make available to landowners the services of a District Forester and to advise them with regard to their forest and tree crop problems.

(3) To assist the County Assessors in their appraisal of growth of forest lands for tax purposes.

(4) To disseminate forest conservation information and collect data relative to the forest conservation problems of the State.

(5) To secure the co-operation and assistance of the United States and any of its agencies and the agencies of this State in the conservation of the forest resources of the State.

(6) To assist private owners of forest land by advice as to the construction of flood control measures, seeding and planting of waste slopes, abandoned or eroded lands, and the development of wild life by the planting of food or cover producing trees, bushes and shrubs.

(7) The District Forestry Boards shall receive and pass on proposed work plans for the cutting of forest lands. From the decisions of such Boards appeal may be

taken to the State Commission as hereinbefore provided. District Board shall, subject to the general jurisdiction and regulations of the Commission of State Forests and Parks, perform all acts reasonable and necessary to attain the objectives of this sub-title, and shall keep the Commission of State Forests and Parks advised of the state of affairs in connection with the administration of this sub-title and make annual report to the Commission of State Forests and Parks in connection therewith.

(8) Each District Forestry Board shall maintain an office, keep a record of its transactions and file, promptly, copies of its decisions and orders with the Commission of State Forests and Parks.

(9) Such District Forestry Boards may employ such personnel, in addition to the District Forester, as the Commission of State Forests and Parks may approve.

Section 58. **Powers of District Forestry Board.** (Powers of County or District Forestry Boards.) A District Forestry Board or its agent shall have the power:

(1) To enter upon any woodland in the county or district in the performance of its duty.

(2) To hold meetings and demonstrations in regard to the conservation of our natural resources.

(3) To enter into agreements with landowners within its county or district for a specified period of years.

(4) To co-operate with other agencies of government, municipal, state, or federal, to achieve better forest growth and to promulgate conservation measures.

(5) To develop comprehensive forest management plans for the conservation of soil resources and for the control and prevention of soil erosion within the county or district.

(6) To enforce any and all rules and regulations made by the Commission of State Forests and Parks, under the provisions of this sub-title, or otherwise entrusted to them by law. Each local Board shall suggest tentative rules of forest practice aimed to accomplish the objectives set forth in this sub-title and to carry out the policies established by the Commission of State Forests and Parks. Such tentative rules shall be published by the local Boards in one or more newspapers having a wide circulation in the area covered by the Boards, together with a notice of a public hearing upon the same. The local Board shall hold a public hearing and thereafter may modify its rules in the light of recommendations made thereat. So far as is consistent with the purposes of the sub-title such modified rules shall then be presented to the Commission of State Forests and Parks, and, if approved by it, shall have the force of law. A local Board shall, subject to the general jurisdiction and regulations of the Commission of State Forests and Parks, perform all acts reasonably necessary to attain the objectives of this sub-title. It may summon witnesses for hearings on the infraction of its rules and may cause prosecutions for violations of its rules. It shall forward copies of all its proceedings and rulings to the Commission of State Forests and Parks and shall make an annual report of its proceedings and actions to the Commission of State Forests and Parks. The District Board may promulgate safeguards for proper forest land use, such as:

(A) Providing for adequate restocking, after cutting, with trees of desirable species and condition.

(B) Providing for reserving for growth and subsequent cutting, a sufficient growing stock of thrifty trees of desirable species to keep the land reasonably productive.

(C) Preventing clear-cutting, or limiting the size of a tract to be clear-cut in areas where clear-cutting will seriously interfere with protection of a watershed, or in order to maintain a suitable growing stock to insure natural reproduction, provided, however, that any such rules of forest practice shall establish a procedure by which any operator of forest land may secure a permit to clear-cut particular lands upon proof—

(a) That he has a **bona fide** intention of devoting the land to other than forest use;

(b) That the lands are appropriate for the proposed use;

(c) That devoting the lands to such new use will not seriously interfere with the protection of the water shed.

Section 59. **Duties of District Forester.** (Duties of the County or District Forester.) It shall be the duty of the District Forester, under the direction of the State Forester:

(1) To make plans for the management and reforestation of forest, woodlot, and tree crop orchards.

(2) To assist the land owners of the district in marketing their forest products.

(3) To hold meetings of the county or local forest fire wardens, lookouts, guards, fire fighters and others to instruct them in the methods of forest fire prevention and extinction.

(4) To enlist the co-operation of land owners in the protection of their forests from fire, insects and disease.

(5) To make an annual written report of his activities to the State Forester.

(6) To assist the State Extension Forester in carrying out the Farm Forestry Extension Program.

(7) To assist forest land owners in the formation and execution of soil conservation practices.

(8) To keep accurate records of all forest management plans.

(9) To assist in the management of community or municipality owned forests.

(10) To assist the assessors in the appraisal of woodlands.

(11) To advise and assist in the planting of food bearing trees and shrubs for the benefit of wild life.

Section 60. **Licenses for operators. Reforestation practices required of owners and operators. Approval of District Forestry Board.** (Licenses.) Each person to whom this sub-title applies engaged in a forest products business may, from and after January 1, 1944, be required to have a license issued by the Commission of State Forests and Parks. A license shall be secured from the Commission covering every existing plant. Before any sawmill or other plant may be erected for the manufacture of lumber or other forest products, when the location of any manufacture of lumber or other forest products, when the location of any manufacturing plant is changed, the new location shall be reported to the Department prior to the change of location. All existing sawmills or plants for the manufacture of forest products, shall be registered and a license secured from the Commission on or before January first, one thousand nine hundred and forty-four.

Each person to whom this sub-title applies shall:

(1) Leave conditions favorable for regrowth. All forest lands on which cuttings are made after the passage of this sub-title shall be left by the operator in a favorable condition for regrowth, with the object of maintaining sufficient growing stock to supply raw materials for industry and to furnish employment for the forest communities continuously, if possible, or without long interruption.

(2) Leave young growth. As far as is practicable all desirable seedlings and saplings shall be protected during logging operations. Except as is unavoidable in logging, immature trees shall not be cut for any purpose except to improve the spacing, quality and composition or conditions for restocking, or to obtain timber or wood for home use.

(3) Arrange for restocking land after cutting. It shall be the standard practice to leave trees of desirable species of suitable size singly, or in groups, well distributed and in such number as to secure restocking. Clear cutting may be carried on when approved by the District Board.

(4) Maintain adequate growing stock after partial cutting or selective logging. The rules of the Commission of State Forests and Parks, defining standards of forest practice to obtain and maintain adequate growing stock in the different forest types, shall vary with the different forest types of the State.

(5) Provide for leases and timber cutting rights. This subtitle and all rules and regulations promulgated hereunder shall apply to the owners of the land or stumpage, and to persons whose operations are in timber, trees, or wood held under lease, or cutting rights on June 1, 1943, provided that in its administration due consideration shall be given to the ownership equities existing on June 1, 1943, in order to avoid causing unreasonable hardship, but any such leases or cutting rights entered into after June 1, 1943, shall be unreservedly subject thereto. Any owner or operator on his own forest property or property leased to him, may develop and inaugurate his own alternate plan of management and employ such standards and methods as may suffice to accomplish the purpose of this sub-title, as specified in paragraphs 2, 3 and 4 of this section, provided such plans be submitted on forms provided by the Commission of State Forests and Parks to the District Forestry Board having jurisdiction of such forestry property, and is accepted by such District Forestry Board as a plan which gives reasonable assurance of accomplishing the purposes of this sub-title. In arriving at such decision the District Forestry Board shall give consideration, among other factors, to the economic condition of the area in which the land is situated, the valuation and rates for tax purposes and the social and economic effects of the proposed alternate plan. Appeals from the decision of the District Forestry Board may be taken to the Commission of State Forests and Parks and from the latter to the Circuit Court of a County or the Baltimore City Court, as provided in Section 54 of this sub-title. A land owner may present working plans for the cutting and management of his forest to the local Board for approval. These management plans shall be in a form and for a period prescribed by the Commission on State Forests and Parks. Free advice and assistance of the Commission on State Forests and Parks shall be available to forest owners so far as possible.

(6) Make application for inspection.

(A) Within three years, but in no event less than thirty days preceding a cutting, the owner of woodlands, hereinbefore defined, or his agent, may make application to the District Forestry Board of the woodlands proposed to be cut. Such application shall be made by mail and addressed to the District Forestry Board of the District in which the lands are located, and shall contain the following information: the location of the woodland, its approximate acreage, and the proposed cutting plan.

(B) The provisions of this section shall not apply to the cutting of firewood and timber for domestic use for the owner or his tenant, but shall apply to all cutting not hereinabove specifically excepted.

Upon receipt of the application required by this section, the District Forestry Board shall, within thirty days, make or cause to be made by a qualified person or persons, an examination of the woodlands covered by the application. It shall be the duty of the Board, after having made the examination aforesaid, within a reasonable time, to advise in writing the owner of the woodland, or his agent, as to the most practical and satisfactory method of cutting the woodland covered by the application and to give its assent to do the cutting found best adapted thereto.

Section 61. **Administration of funds derived from Federal sources.** The Commission of State Forests and Parks is hereby authorized to accept for the State of Maryland any appropriation of money for any forest conservation purposes which may hereafter be made out of the Federal Treasury by any Act or Acts of Congress and the Commission of State Forests and Parks shall be constituted the forestry authority for the expenditure and administration of any such funds.

The Treasurer of this State shall be the custodian of all moneys received by the State from appropriation for forest conservation purposes that may hereafter be made by any Act or Acts of Congress and is hereby authorized to receive and provide for the proper custody of the same and to make disbursements therefrom upon the order of the Commission of State Forests and Parks.

Section 62. **Exemptions from forest conservancy district laws.** (Exceptions.) This sub-title shall not apply to the clearing of woodlands for reservoirs, military, naval, agricultural, communication and transmission lines or industrial sites, railroad, residential or recreational purposes.

Section 63. **Penalties for violations of forest conservancy district laws and regulations.** (Penalty.) A person who violates the provisions of this sub-title or of rules or regulations made by the Commission of State Forests and Parks, or by the District Forestry Board, with the approval of the Commission of State Forests and Parks under the authority of this sub-title, shall be deemed to have committed a misdemeanor and shall be fined not less than $10 or more than $500,or imprisoned for not more than six months. The fines collected hereunder shall be appropriated for the use of the Commission of State Forests and Parks and applied to the administration of this law.

For other forestry laws, roadside tree laws, and shade tree laws, see:

Art. 39A Annotated Code, 1939 Edition; and
Art. 39A Annotated Code, 1943 Supplement

DEPARTMENT OF GEOLOGY, MINES, AND WATER RESOURCES

Ch. 508, Acts of 1941

Art. 19A Annotated Code, 1943 Supplement

Section 12A. **The Commission Appointment and tenure,** The Department of Geology, Mines and Water Resources is hereby created, to supersede the present State Geological and Economic Survey Advisory Commission, the Bureau of Mines, the Water Front Commission, and the Water Resources Commission, and take over all of the personnel powers and duties exercised by those agencies. The Department shall be under the direction of a Commission which shall consist of five members appointed by the Governor from among the citizens of the State with character, ability and active interest in the proper development, use and conservation of such resources. The members shall select their own chairman. Their term of office shall be five years from June 1, 1941, but of those first appointed, one shall serve for one year, one for two years, one for three years, one for four years, and one for five years. The Governor may remove any member for cause, and any vacancy shall be filled for the unexpired term. The members shall receive no compensation for their services, but shall be reimbursed for necessary travelling expenses and disbursements for attending meetings and performing other official duties.

Section 12B. **Powers and duties of the Commission.** The Commission shall exercise general supervision over all matters pertaining to:

1. The conduct of topographic, geologic, hydrographic, and magnetic surveys.

2. The preparation of topographic, geologic and other types of maps to meet specific needs.

3. The preparation of reports on the extent and character of the State's mineral and water resources.

4. The inspection, sanitation, ventilation, and safeguarding of mine operations.

5. The examination of applicants for certificates of competency as mine foremen, assistant mine foremen, and fire bosses.

6. The control, as far as practicable, of the appropriation or use of surface and underground waters of the State, and the control of the construction and repairs of reservoirs, dams and waterway obstructions.

7. The investigation and recommendation of plans and policies for the protection of the waterfront and waterways of the State against erosion, and the cooperation necessary for carrying into effect plans for the development of the waterfront property and the improvement of the waterways of the State.

Section 12C. **Director of the Dept. The Bureau of Mines and Chief Mining Engineer. Water Engineer.** The present State Geologist shall become the ad-

ministrative head of the Department to be known as the Director but upon his death, resignation or removal the Director shall be appointed by the Commission in accordance with the Merit System law. The Director shall be a person with executive ability and special training and experience in handling problems in the fields of geology, mining and water supply. The Commission shall appoint, in accordance with the Merit System law, such assistants and other employees as may be provided for in the Budget.

There shall also be attached to said Department a Bureau of Mines, headed by a Chief Mine Engineer, who shall have charge of the activities set forth in Sections 16 to 177, inclusive, or Article 89 of the Code.

There shall also be attached to said Department a Water Engineer, who shall have charge of the activities set forth in Article 96B of the Code, and shall be appointed by the Commission in accordance with the Merit System law.

Ch. 508 Sec. 10, Acts of 1941
Art. 96B Annotated Code, 1939 Ed.

Section 1. **Water resources policy of the State.** In order to conserve, protect and utilize the water resources of the State, in accordance with the best interests of the people of Maryland, it is hereby declared to be the policy of the State to control, so far as practicable, the appropriation or use of surface and underground waters of the State. It is also declared to be the policy of the State for the purpose of promoting the public safety and welfare, to control and supervise so far as is practicable, the construction, reconstruction and repair of dams, reservoirs and all other water-works in any of the waters of the State.

Section 3. **Duties of the Dept. in Conservation of Water Resources.** The Department of Geology, Mines, and Water Resources shall devise and develop a general water resources conservation program for the State. This program shall contemplate the proper conservation, allocation and development of all of the waters, surface and underground, of the State for the best interests of all of the people of Maryland, and shall guide the Department in the issuance of water, water power, dam, reservoir and other permits, as hereinafter provided. The Department is hereby authorized and empowered to make, or cause to be made, all such survey, maps, investigations and studies of the water resources of the State as it may deem necessary to provide it with sufficient information to formulate a program, and to perform its duties under this Article. All other departments, boards, officials and agencies of the State of Maryland are hereby directed to cooperate with and assist the Department of Geology, Mines, and Water Resources in the performance of its duties and the exercise of its powers.

Section 4. **Permits for use of surface and underground water.** From and after January 1, 1934, it shall be unlawful for the State or any agency thereof, any person or persons, partnership, association, private or public corporation, county, municipality, or other political sub-division of the State, to appropriate or use any waters of the State, surface or underground, without the consent or permit of the Department of Geology, Mines, and Water Resources, in writing, previously obtained, upon written application therefor to the Department. Nothing in this section shall be construed to apply to the use of water for domestic and farming purposes or to the use of water for an approved water supply of any municipality; nor shall it apply to any particular use in existence on January 1, 1934, provided such use is not thereafter abandoned.

Section 5. **Permits for dams and reservoirs or repair of same.** From and after January 1, 1934, it shall be unlawful for the State or any agency thereof, any person or persons, partnership, association, private or public corporation, county, municipality or other political sub-division of the State, to construct, reconstruct or repair any reservoir, dam or water-way obstruction; or to make or construct, or permit to be made or constructed, any change therein or addition thereto; or to make, or permit to be made, any change in, addition to, or repair of, any existing water-way obstruction; or in any manner to change or diminish the course, current, or cross-section of any stream or body of water, wholly or partly within, this State, except the tidal waters, without a permit from the Department of Geology, Mines, and Water Resources, in writing, previously obtained upon written application therefor to said Department. Nothing in this section shall be construed

to apply to any dam or obstruction which is ten feet or less in height above the elevation of the stream bed or water-way, nor shall it apply to any reservoir with a storage capacity of less than one million gallons.

For additional laws in this field, see:

Art. 91, Annotated Code, 1939 Edition.
Art. 96B, Annotated Code, 1939 Edition.

BUREAU OF MINES

Ch. 508, Sec. 9, Acts of 1941

Art. 89 Annotated Code, 1943 Supplement

Section 17. **Bureau of Mines.** There is hereby created under the Department of Geology, Mines, and Water Resources a Bureau to be known as the "Bureau of Mines," hereinafter referred to as the Bureau.

Section 18. **Director of the Bureau of Mines.** The Governor shall select and appoint from a list of eligibles prepared by the State Employment Commissioner, a competent person to be known as the "Director of the Bureau of Mines," who shall be in charge of the Bureau, and in case of any vacancy in the said office by reason of death, resignation or otherwise, the Governor shall appoint from a list of eligibles prepared by the State Employment Commissioner, a competent person to fill such office, provided, however, that the present Chief Mine Engineer, who shall hereafter be designted as "Director of the Bureau of Mines," shall continue to hold such office in accordance with the provisions of the Merit System Law. Wherever the title "Chief Mine Engineer" is used in this Article, the title "Director of the Bureau of Mines" shall be substituted, and all the powers, duties and authority conferred on the Chief Mine Engineer by this Article are hereby conferred on the Director of the Bureau of Mines.

Section 19. **Qualifications of the Director.** The Director of the Bureau of Mines shall be a male citizen of Maryland, and shall be a competent person, having had at least ten years' practical experience in the working, ventilation and drainage of bituminous coal mines, and having a practical and scientific knowledge of all noxious and dangerous gases found in such mines, and, provided, that graduation in mining engineering from a school of recognized standing shall be considered as equivalent to two years' working experience. He shall devote all of his time to the duties of his office, and shall not be directly or indirectly interested in a financial way in any coal mines in this State.

Art. 89 Annotated Code, 1939 Ed.

Section 22. **Duties of the Bureau.** The Bureau shall supervise the execution and enforcement of all laws enacted for the health and safety of persons and protection and conservation of property within, about, or in connection with bituminous coal mines or strippings in this State, and for that purpose shall make, publish and enforce necessary rules and regulations after due notice given. The duty heretofore imposed upon the Commissioner of Labor Statistics by the third paragraph of Section 2 of this Article to collect information in regard to the mineral products and the output of mines of this State, is hereby limited to the Bureau.

Section 23. **Records of mines and mining.** The Bureau shall compile, publish and distribute to persons interested the mining laws and rules and regulations pertaining thereto. The Bureau shall carefully keep a record of all inspections and investigations, and copies of all official communications and records of all work done; and preserve all reports, statistics and information received relating to the development of coal or other mining or to the enforcement of this subtitle.

Section 25. **Improvement of mining methods.** The Bureau shall assist and encourage all reasonable efforts to improve mining methods and conditions, with a view to discovering better ways of protecting life and health, extending the serviceable use of instrumentalities, and promoting the prosperity of the industry by reducing waste of natural resources and promoting economy in mining; and shall diligently compile, statistically analyze and compare all available data regarding coal or other mining processes and operations and advise persons engaged in such industry.

Section 26. **The Director to supervise work of the Bureau:** The Director shall prepare and compile all blanks, forms or other uniform methods employed for obtaining data or to be used in making out reports, necessary in the proper discharge of the duties of the Bureau. He shall direct and supervise the field and office work of the Bureau and of all inspectors or other employees thereof, subject to the control of the Commissioner. He shall require diligence, and prompt reports upon all services required of them by law or regulation.

Section 27. **The Director to enforce regulations of the Bureau.** The Director is hereby authorized to institute in the name of the State, proceedings to enforce any provision of this sub-title or of any regulation pursuant thereto; and to that end to institute actions at law, suits in equity or prosecutions; but such power shall not exclude any right of any person interested to invoke the usual and ordinary process of the courts against violators of the mining laws. In case any suit or proceeding is instituted by or against the Director or any district mine inspector, regarding any of the provisions of this sub-title, such Director or district mine inspector shall have the legal assistance of the Attorney-General.

For additonal mining laws see:

Art. 89, Annotated Code, 1939 Edition

DEPARTMENT OF RESEARCH AND EDUCATION

Ch. 508, Sec. 12D-12G, Acts of 1941

Art. 19A Annotated Code, 1943 Supplement

Section 12D. **The Commission of Research and Education.** The Department of Research and Education is hereby created to exercise the present functions of the Chesapeake Biological Laboratory and the Maryland Weather Service, and to develop a comprehensive research and educational program covering all the natural resources of the State. The supervision of the Department shall be vested in a Commission of Research and Education consisting of five members to be appointed by the Governor from among the citizens of the State, each of whom shall have had training and experience in scientific investigation and research, especially in the field of natural resources. The members of the Commission shall select their own Chairman.

Section 12E. **Tenure and compensation of the Commissioners.** The members of the Commission shall be appointed for terms of five years from June 1, 1941, but the terms of the first members appointed shall expire in one, two, three, four and five years, respectively. The Governor shall have power to remove for cause, and to fill any vacancy for the unexpired term. The members shall receive no compensation for their services but shall be reimbursed for necessary traveling expenses and disbursements incurred in attending meetings or performing other official duties.

Section 12F. **Powers and duties of the Commission.** The Commission shall exercise general supervision over all matters pertaining to the following:

(1) **Research**

(a) Studies and investigations into the commercial tidewater fisheries; nutritive food values, abundance, depletion, production standards, indices of decomposition and contamination, utilization of seafood products and byproducts and problems of rehabilitation.

(b) Investigations of the waters of the State as to their capacity to maintain and develop fish life, including the problems of hatchery, planting and rearing of fish.

(c) Investigations of food, cover and habitat, with reference to game and bird populations.

(d) Problems of diseases as affecting game and fish.

(e) Studies of vermin and predatory control.

(f) Studies of pollution and its control in both tidal and non-tidal water.

(g) Initiation of statistical investigations in cooperation with the several departments administering the natural resources of the State and with the appropriate agencies of the Federal Government, including transportation, costs and service.

(h) Cooperation with the United States Weather Bureau in the compilation and dissemination of information regarding the weather and climate of Maryland.

(2) **Education**

(a) Preparation and transmission of material in acceptable curriculum form for use in classroom work in the colleges and schools of the State. In the case of the State teachers colleges, the students should receive such instruction as will qualify them to teach conservation in the schools of the State. This work should also include the creation and maintenance of fellowships at accredited colleges for study and research on conservation problems.

(b) Presentation to the public, on a full-time basis, of a systematic program of instruction by means of lectures, motion pictures, articles and other methods of publicity. This program should include the dissemination of effective factual information on what is happening to the State's natural resources, what wasteful practices are being pursued, and what possible remedies there may be for improving present conditions. This program should also include the dissemination of active factual information as to the nutritive food values of seafood.

(c) Cooperation with the research and educational work being done by the United States Bureau of Fisheries, the University of Maryland and the State-aided colleges and institutions.

Section 12G. **Director of the Department and the Assistant in charge of Education.** The Commission shall appoint a competent Director of Research and Education, who shall have special training and experience in investigating problems in the field of natural resources and the handling of educational matters, and be a graduate of an accredited college. The Commission shall likewise appoint such assistants, biologists and other employees as may be necessary, as provided in the Budget. The Director and all other personnel of the Department shall be selected in accordance with the Merit System law. The Assistant in charge of educational work shall be a graduate of an accredited college and have a broad knowledge of conservation.

PART III

INTERSTATE COOPERATION

(1) Maryland-Virginia Compact of 1785.
(2) Atlantic States Marine Fisheries Commission and Compact.
(3) Interstate Commission on the Potomac River Basin.

MARYLAND-VIRGINIA COMPACT OF 1785

Ch. 1, Acts of Maryland 1785

Ch. 17, Acts of Virginia 1785

An Act to approve, confirm and ratify, the compact made by the Commissioners appointed by the general assembly of the commonwealth of Virginia, and the commissioners appointed by this state, to regulate and settle the jurisdiction and navigation of Patowmack and Pocomoke rivers, and that part of Chesapeake bay which lieth within the territory of Virginia.

Whereas, at a meeting of the commissioners appointed by the general assemblies of the commonwealth of Virginia and the state of Maryland for forming a compact between the two states, to regulate and settle the jurisdiction and navigation of Patowmack, Pocomoke rivers, and that part of the Chesapeake bay which lieth within the territory of Virginia, to wit, George Mason and Alexander Henderson, Esquires, on the part of the commonwealth of Virginia, and Daniel of Saint Thomas Jenifer, Thomas Stone, and Samuel Chase, Esquires, on the part of the state of Maryland, at Mount Vernon in Virginia, on the twenty eighth day of March in the year one thousand seven hundred and eighty five, the following compact was mutually agreed to by the said Commissioners.

First, The commonwealth of Virginia disclaims all right to impose any toll, duty or charge, prohibition or restraint, on any vessel whatever sailing through the capes of Chesapeake bay to the state of Maryland, or from the said state through the said capes outward bound, and agrees that the waters of the Chesapeake bay, and the river Pocomoke, within the limits of Virginia, be forever considered as a common highway, free for the use and navigation of any vessel belonging to the said state of Maryland, or any of its citizens, or carrying on commerce to or from said state, or with any of its citizens, and that any such vessel, inward or outward bound, may freely enter any of the rivers within the commonwealth of Virginia as a harbour, or for safety against an enemy, without the payment of port duties, or any other charge; and also that the before-mentioned parts of Chesapeake bay and Pocomoke river be free for navigation of vessels from one part of the state of Maryland to another.

Second. The state of Maryland agrees, that any vessel belonging to the commonwealth of Virginia, or any of its citizens, or carrying on commerce to or from the said commonwealth, or with any of its citizens, may freely enter any of the rivers of the said state of Maryland as a harbour, or for safety against an enemy, without the payment of any port duty, or any other charge.

Third, Vessels of war, the property of either state, shall not be subject to the payment of any port duty, or other charge.

Fourth, Vessels not exceeding forty feet keel, nor fifty tons burthen, the property of any citizen of Virginia or Maryland, or of citizens of both states, trading from one state to the other only, and having on board only the produce of the said states, may enter and trade in any part of either state, with a permit from the naval officer of the district from which such vessel departs with her cargo, and shall be subject to no port charges.

Fifth, All merchant vessels (except such as are described in the fourth article) navigating the river Patowmack, shall enter and clear at some naval office on the said river in one or both states, according to the laws of the state in which the entry shall be made; and where any vessel shall make an entry in both states, such vessel shall be subject to tonnage in each state, only in proportion to the commod ities carried to or taken from such state.

Sixth, The River Patowmack shall be considered as a common highway for the purpose of navigation and commerce to the citizens of Virginia and Maryland, and of the United States, and to all other persons in amity with the said states trading to or from Virginia or Maryland.

Seventh, The citizens of each state respectively shall have full property in the shores of Patowmack river adjoining their lands with all emoluments and advantages thereunto belonging, and the privilege of making and carrying out wharfs

and other improvements, so as not to obstruct or injure the navigation of the river, but the right of fishing in the river shall be common to, and equally enjoyed by, the citizens of both states; provided, that such common right be not exercised by the citizens of the one state to the hinderance or disturbance of the fisheries on the shores of the other state, and that the citizens of neither state shall have a right to fish with nets or seans on the shores of the other.

Eighth, All laws and regulations which may be necessary for the preservation of fish, or for the performance of quarantine in the river Patowmack, or for preserving and keeping open the channel and navigation thereof, or of the river Pocomoke within the limits of Virginia, by preventing the throwing out ballast, or giving any other obstruction thereto, shall be made with the mutual consent and approbation of both states.

Ninth, Light-houses, beacons, buoys, or other necessary signals, shall be erected, fixed and maintained, upon Chesapeake bay, between the sea and the mouths of the rivers Patowmack and Pocomoke, and upon the river Patowmack, at the expense of both states; if upon Patowmack river, at the joint and equal charge of both states, and if upon the before-mentioned part of Chesapeake bay, Virginia shall defray five parts, and Maryland three parts, of such expence, and if this proportion shall in future times be found unequal, the same shall be corrected. And for mode and plans, for erecting and fixing light-houses, buoys, beacons, and other signals as aforesaid, both states shall, upon the application of either to the other, appoint an equal number of commissioners, not less than three or more than five from each state, to meet at such times and places as the said Commissioners, or a major part of them, shall judge fit, to fix upon the proper places, mode and plans for erecting and fixing such light-houses, beacons, or other signals, and report the same, with an estimate of the expence, to the legislatures of both states, for their approbation.

Tenth, All piracies, crimes or offences, committed on that part of Chesapeake bay which lies within the limits of Virginia, or that part of the said bay where the line of division from the fourth point of Patowmack river (now called Smith's Point) to Watkins Point, near the mouth of Pocomoke river, may be doubtful, and on that part of Pocomoke river within the limits of Virginia or where the line of division between the two states upon the said river is doubtful, by any persons not citizens of the commonwealth of Virginia, against the citizens of Maryland, shall be tried in the court of the State of Maryland which hath legal cognizance of such offences. And all piracies, crimes and offences, committed on the before-mentioned parts of Chesapeake bay and Pocomoke river, by any persons not citizens of Maryland, against any citizen of Virginia, shall be tried in the court of the commonwealth of Virginia which hath legal cognizance of such offences. All piracies, crimes, and offences, committed on the said parts of Chesapeake bay, and Pocomoke river, by persons not citizens of either state, against persons not citizens of either state shall be tried in the court of the commonwealth of Virginia having legal cognizance of such offences. And all piracies, crimes and offences, committed on the said parts of Chesapeake bay and Pocomoke river, by any citizen of the commonwealth of Virginia, or of the State of Maryland, either against the other, shall be tried in the court of that state of which the offender is a citizen. The jurisdiction of each state over the river Patowmack shall be exercised in the same manner as is prescribed for the before-mentioned parts of Chesapeake Bay and Pocomoke river in every respect, except in the case of piracies, crimes, and offences committee by persons not citizens of either state, in which case the offenders shall be tried by the court of the state to which they first be brought; and if the inhabitants of either state shall commit any violence, injury or trespass, to or upon the property or lands of the other, adjacent to the said bay or rivers, or to any person upon such lands, upon proof of due notice to the offender to appear and answer, any court of record, or civil magistrate, of the state where the offence shall have been committed, having jurisdiction thereof, may enter the appearance of such person, and proceed to trial and judgment in the same manners as if legal process had been served on such offender; and such judgment shall be valid and effectual against the person and property of such offender, both in the state where the offender shall have been committed and also in the state where the said offender may reside, and execution may be issued by the court, or magistrate,

giving such judgment, in the same manner as upon judgments given in other cases; or upon a transcript of such judgment properly authenticated, being produced to any court or magistrate of the state where such offender may reside, having jurisdiction within the state or county where the offender may reside, in cases of a familiar nature, such court or magistrate shall order execution to issue upon such authenticated judgment, in the same manner and to the same extent, as if the judgment had been given by the court or magistrate to which such transcript shall be exhibited.

Eleventh, Any vessel entering in any port on the river Patowmack, may be libelled or attached for debt by process from the state in which such vessel entered; and if the commercial regulations of either state shall be violated by any person carrying on commerce in Patowmack or Pocomoke rivers, the vessel owned or commanded by the person so offending, and the property on board may be seized by process from the state whose laws are offended, in order for trial; and if any person shall fly from justice in a civil or criminal case, or shall attempt to defraud creditors, by removing his property, such person, or any property so removed, may be taken on any part of Chesapeake bay, or the rivers aforesaid, by process of the state from which such person shall fly, or property be removed; and process from the state of Virginia may be served on any part of the said rivers upon any person, or property of any person, not a citizen of Maryland, indebted to any citizen of Virginia, or charged with injury having been by him committed; and process from the state of Maryland may be served on any part of the said rivers upon any person, or property of any person, not a citizen of Virginia, indebted to a citizen of Maryland, or charged with injury having been by him committed. And in all cases of trial in pursuance of the jurisdiction settled by this compact, citizens of either state shall attend as witnesses in the other, upon a summons from any court or magistrate having jurisdiction, being served by a proper officer of the county where such citizen shall reside.

Twelfth, The citizens of either state having lands in the other, shall have full liberty to transport to their own state the produce of such lands, or to remove their effects, free from any duty, tax, or charge whatsoever, for the liberty to remove such produce or effects.

Thirteenth, These articles shall be laid before the legislatures of Virginia and Maryland, and their approbation being obtained, shall be confirmed and ratified by a law of each state, never to be repealed or altered by either without the consent of the other. And whereas this general assembly are of opinion, that the said compact is made on just and mutual principles, for the true interest of both governments, and if executed in good faith, will perpetuate harmony, friendship and good offices, between the two states, so essential to the prosperity and happiness of their people.

ATLANTIC STATES MARINE FISHERIES COMMISSION

Ch. 435, Acts of 1941

Art. 39, Annotated Code 1943 Supplement

Section 26A. **Governor to execute the following compact.** The Governor is hereby authorized and directed to execute a compact on behalf of the State of Maryland with any one or more of the States of Maine, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Delaware, Virginia, North Carolina, South Carolina, Georgia, Massachusetts and Florida and with such other states as may enter into the compact, legally joining in the form substantially as follows:

ATLANTIC STATES MARINE FISHERIES COMPACT

The Contracting States solemnly agree:

ARTICLE I

Purpose of compact. The purpose of this compact is to promote the better utilization of the fisheries, marine, shell and anadromous, of the Atlantic seaboard by the development of a joint program for the promotion and protection of the fishing industry, and by the prevention of the physical waste of the fisheries from any cause.

ARTICLE II

States admitted. This agreement shall become effective as to those States ratifying it whenever any two of the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida have ratified it and Congress has given its consent. Any State contiguous with any of the aforementioned States and riparian upon waters frequented by anadromous fish, flowing into waters under the jurisdiction of any of the aforementioned States, may become a party hereto as hereinafter provided.

ARTICLE III

The Commission State representation on the Commission. Each State joining herein shall appoint three representatives to a Commission hereby constituted and designated as the Atlantic States Marine Fisheries Commission. One shall be the executive officer of the administrative agency of such State charged with the conservation of the fisheries resources to which this compact pertains or, if there be more than one officer or agency, the official of that State named by the Governor thereof. The second shall be a member of the Legislature of such State designated by the Commission or Committee on Interstate Cooperation of such State, or if there be none, by the Governor thereof. The third shall be a citizen who shall have a knowledge of and interest in the marine fisheries problem to be appointed by the Governor. This Commission shall be a body corporate with the powers and duties set forth herein.

ARTICLE IV

Duties of the Commission. The duty of the said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell and anadromous, of the Atlantic seaboard. The Commission shall have power to recommend the coordination of the exercise of the police powers of the several States within their respective jurisdiction to promote the preservation of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the aforementioned States.

To that end the Commission shall draft and, after consultation with the Advisory Committee, recommend to the Governors and legislatures of the various signatory States legislation dealing with the conservation of the marine and anadromous fisheries of the Atlantic seaboard. The Commission shall, more than one month prior to any regular meeting of the legislature in any signatory State, present to the Governor of the State its recommendations relating to enactments to be made by the legislature of that State in furthering the intents and purposes of this compact.

The Commission shall consult with and advise the pertinent administrative agencies in the States parties hereto with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable.

The commission shall have power to recommend to the States party hereto the stocking of the waters of such States with fish and fish eggs or joint stocking by some or all of the States party hereto and when two or more of the States shall jointly stock waters the Commission shall act as the coordinating agency for such stocking.

ARTICLE V

Organization of the Commission. The Commission shall elect from its number a Chairman and a Vice-Chairman and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said Commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place but must meet at least once a year.

ARTICLE VI

Voting in the Commission. No action shall be taken by the Commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of compacting States present at any meeting. No recommendation shall be made by the Commission in regard to any species of fish except by the affirmative vote of a majority of the compacting States which have an interest in that species. The Commission shall define what shall be an interest.

ARTICLE VII

Research agency of the Commission. Advisory committee in each State. The Fish and Wild Life Service of the Department of the Interior of the Government of the United States shall act as the primary research agency of the Atlantic States Marine Fisheries Commission cooperating with the research agencies in each State for that purpose. Representatives of the said Fish and Wild Life Service shall attend the meetings of the Commission.

An advisory committee to be representative of the commercial fishermen and the salt water anglers and the other such interests of each State as the Commission deems advisable shall be established by the Commission as soon as practicable for the purpose of advising the Commission upon such recommendations as it may desire to make.

ARTICLE VIII

Participation of additional States. When any State other than those named specifically in Article II of this compact shall become a party thereto for the purpose of conserving anadromous fish in accordance with the provisions of Article II, the participation of such State in the action of the Commission shall be limited to species of anadromous fish.

ARTICLE IX

Powers of signatory States not limited. Nothing in this compact shall be construed to limit the powers of any signatory State or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory State imposing additional conditions and restrictions to conserve its fisheries.

ARTICLE X

Non-participation by a signatory State. Continued absence of representation or of any representative in the Commission from any State party hereto shall be brought to the attention of the Governor thereof.

ARTICLE XI

Financial support of the Commission. The States party hereto agree to appropriate to the support of the Commission in proportion to the primary marked value of the products of their fisheries, exclusive of cod and haddock, as recorded in the most recent published reports of the Fish and Wild Life Service of the United States Department of the Interior, provided no State shall contribute less than two hundred dollars and the contribution of each State above the minimum shall be figured to the nearest one hundred dollars.

The compacting States agrees to appropriate initially the amounts scheduled below, which amounts are calculated in the manner set forth herein, on the basis of the catch record of 1938. Subsequent budgets shall be recommended by majority of the Commission and submitted to the compacting States.

Schedule of initial State contributions:

Maine	$ 700
New Hampshire	200
Massachusetts	2,300
Rhode Island	300
Connecticut	400
New York	1,300
New Jersey	800
Delaware	200

Maryland	700
Virginia	1,300
North Carolina	600
South Carolina	200
Georgia	200
Florida	1,500

ARTICLE XII

Withdrawal of a signatory State. This compact shall continue in force and remain binding upon each ratifying State until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other States party hereto.

Section 26B. **Appointment of Maryland representatives to Atlantic States Marine Fisheries Commission.** In pursuance of Article III of said compact there shall be three members (hereinafter called Commissioners) of the Atlantic States Marine Fisheries Commission (hereinafter called Commission) from the State of Maryland. The first commissioner from the State of Maryland shall be a Commissioner of Tidewater Fisheries of the State of Maryland ex officio, and the term of any such ex officio commissioner shall terminate at the time he ceases to hold said office of Commissioner of Tidewater Fisheries and his successor as commissioner shall be his successor as said Commissioner of Tidewater Fisheries. The second commissioner from the State of Maryland shall be a legislator and member of the Commission on Interstate Cooperation of the State of Maryland ex officio, designated by said Commission on Interstate Cooperation, and the term of any such ex officio commissioner shall terminate at the time he ceases to hold said legislative office or said office as Commissioner on Interstate Cooperation and his successor as commissioner shall be named in like manner. The Governor, by and with the advice and consent of the Senate, shall appoint one person as a third commissioner who shall be a resident and citizen of the State of Maryland and who shall have a knowledge of and interest in the marine fisheries problem. The term of said commissioner shall be three years and he shall hold office until his successor shall be appointed and qualified. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled by appointment by the Governor. The Commissioner of Tidewater Fisheries as ex officio commissioner may delegate, from time to time, to any deputy or other subordinate in his department or office the power to be present and participate, including voting as his representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial three members shall begin at the date of the appointment of the appointive commissioner, provided the said compact shall then have gone into effect in accordance with Article II of the compact; otherwise shall begin upon the date upon which said compact shall become effective in accordance with said Article II.

Any commissioner may be removed from office by the Governor upon charges and after a hearing, but opportunity to be heard shall be given.

Section 26C. **Powers of the Maryland representatives to the Commission.** There is hereby granted to the commission and the commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular. All officers of the State of Maryland are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact in every particular; it being hereby declared to be the policy of the State of Maryland to perform and carry out the said compact and to accomplish the purposes thereof. All officers, bureaus, departments, and persons of and in the State government or administration of the State of Maryland are hereby authorized and directed at convenient times and upon request of the said commission to furnish the said commission with information and data possessed by them or any of them and to aid said commission by loan of personal or other means lying within their legal powers respectively.

Section 26D. **Limitations on Commission by other laws and other States.** Any powers herein granted to the commission shall be regarded as in aid of and

supplemental to and in no case a limitation upon any of the powers vested in said commission by other laws of the State of Maryland or by the laws of the States of Maine, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Delaware, Virginia, North Carolina, South Carolina, Georgia and Florida or by Congress or the terms of said compact.

Section 26E. **Financial records and transactions.** The Commission shall keep accurate accounts of all receipts and reimbursements and shall report to the Governor on or before the tenth day of January in each year, setting forth in detail the transactions conducted by it during the preceding calendar year and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the State of Maryland which may be necessary to carry out the intent and purposes of the compact between the signatory states.

The Comptroller of the State of Maryland is hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements and such other items referring to its financial standing as such comptroller may deem proper and to report the results of such examination to the governor of such state.

Section 26F. **Maryland appropriation to the Commission.** The sum of seven hundred ($700.00) dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the expenses of the Commission created by the compact authorized by this subtitle. The moneys hereby appropriated shall be paid out of the State Treasury on the audit and warrant of the Comptroller upon vouchers certified by the chairman of the commission in the manner prescribed by law.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

Ch. 320, Acts of Maryland 1939
Art. 43, Annotated Code 1939

Section 392. **Member states. Appointment of commission members. The Compact.** There is hereby created a Commission consisting of three members to act jointly with commissions appointed for like purposes by the State of West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia, and an additional three members to be appointed by the President of the United States and which, together with the other commissions appointed as hereinbefore mentioned, shall constitute and be known as the Interstate Commission on the Potomac River Basin. The said Commission for the State of Maryland shall consist of the Governor of the State and two members to be named by the Governor, who shall be actual residents in the Potomac River Drainage Basin. The terms of the members appointed by the Governor shall be two years, the first of such appointments of two members to be made on June 1, 1939, and they shall serve without compensation, but shall be paid their actual expenses incurred in and incident to the performance of their duties as hereinafter set forth. This State shall contribute to the Interstate Commission on the Potomac River Basin its **pro-rata** share of the expenses of said Commission, which shall be such sums as may be appropriated for the purpose in the State Budget, but not less than the sum of three thousand dollars ($3,000) per year for the two years next succeeding June 1, 1939.

The Governor of the State is hereby authorized and directed to execute a compact on behalf of the State of Maryland with the other States and the District hereinabove referred to, who may be their legislative bodies so authorize a compact in form substantially as follows:

A COMPACT

WHEREAS, it is recognized that abatement of existing pollution and the control of future pollution of interstate streams can best be promoted through a joint agency representing the several states located wholly, or, in part within the area drained by any such interstate stream; and

WHEREAS, The Congress of the United States has given its consent to the States of Maryland, and West Virginia, the Commonwealths of Pennsylvania and Vir-

ginia, and the District of Columbia to enter into a compact providing for the creation of a conservancy district to consist of the drainage basin of the Potomac River and the main and tributary streams therein, for "the purpose of regulating, controlling, preventing, or otherwise rendering unobjectionable and harmless the pollution of the waters of said Potomac drainage area by sewage and industrial and other wastes;"

NOW, THEREFORE, the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia, hereinafter designated signatory bodies, do hereby create the Potomac Valley Conservancy District, hereinafter designated the Conservancy District, comprising all of the area drained by the Potomac River and its tributaries; and also do hereby create the Interstate Commission on the Potomac River Basin, hereinafter designated the Commission, under the articles of organization as set forth below.

ARTICLE I

The Interstate Commission on the Potomac River Basin shall consist of three members from each signatory body and three members appointed by the President of the United States. Said Commissioners, other than those appointed by the President, shall be chosen in a manner and for the terms provided by law of the signatory body from which they are appointed and shall serve without compensation from the Commission but shall be paid by the Commission their actual expenses incurred and incident to the performance of their duties.

(A) The Commission shall meet and organize within thirty days after the effective date of this compact, shall elect from its number a chairman and vice-chairman, shall adopt suitable by-laws, shall make, adopt and promulgate such rules and regulations as are necessary for its management and control, and shall adopt a seal.

(B) The Commission shall appoint and at its pleasure, remove or discharge such officers and legal, engineering, clerical, expert and other assistants as may be required to carry the provisions of this compact into effect, and shall determine their qualifications and fix their duties and compensation. Such personnel as may be employed shall be employed without regard to any civil service or other similar requirements for employes of any of the signatory bodies. The Commission may maintain one or more offices for the transaction of its business and may meet at any time or place within the area of the Conservancy District.

(C) The Commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report thereof and shall in such report set forth in detail the operations and transactions conducted by it pursuant to this compact. The Commission, however, shall not incur any obligations for administrative or other expenses prior to the making of appropriations adequate to meet the same nor shall it in any way pledge the credit of any of the signatory bodies. Each of the signatory bodies reserves the right to make at any time an examination and audit of the accounts of the Commission.

(D) A quorum of the Commission, shall for the transaction of business, the exercise of any powers, or the performance of any duties, consist of at least a majority of the members of the Commission; provided, however, that no action of the Commission relating to policy shall be binding on any one of the signatory bodies unless at least two of the commissioners from such signatory body shall vote in favor thereof.

ARTICLE II

The Commission shall have the power and its duties shall be:

(A) To coordinate, tabulate, and summarize technical and other data now available, or as shall become available in the future from any source, on the pollution of the streams of the Conservancy District and on the character and conditions of such streams, and to prepare reports thereon annually and at such other times as may be deemed advisable by the Commission.

(B) To supplement existing information and data, and to secure new data by such investigations, analyses, or other means as may be necessary to secure ade-

quate information on the character and condition of the streams of the Conservancy District as they now exist or may be affected by the future discharge of sewage and industrial and other wastes into the said stream.

(C) To cooperate with the legislative and administrative agencies of the signatory bodies, or the equivalent thereof, and with other interested commissions and similar oganizations for the purpose of promoting uniform laws, rules or regulations for the abatement and control of pollution of streams in the said Conservancy District.

(D) To disseminate to the public information on the aims and purposes of the Commission and on the harmful and uneconomical results of stream pollution, through the issuance of bulletins, circulars, correspondence, literature and reports.

(E) To cooperate with other organizations engaged in fact-finding and research activities on the treatment of sewage and industrial wastes or other wastes, and if deemed advisable, to institute and conduct such research and fact-finding activities.

(F) To make and if needful from time to time revise and to recommend to the signatory bodies, reasonable, minimum standards for the treatment of sewage and industrial or other wastes now discharged or to be discharged in the future to the streams of the Conservatory District, and also for cleanliness of the various streams in the Conservancy District.

ARTICLE III

The moneys necessary to finance the Commission in the administration of its business in the Conservancy District shall be provided through appropriations from the signatory bodies and the United States, in the manner prescribed by the laws of the several signatory bodies and of the United States, and in amounts, as follows:

The **pro rata** contribution shall be based on such factors as population; the amount of industrial and domestic pollution; and a flat service charge; as shall be determined from time to time by the Commission, subject, however, to the approval, ratification and appropriation of such contribution by the several signatory bodies. And, further provided, that the total of such sums from all signatory bodies shall not exceed a total of thirty thousand dollars ($30,000), per annum.

ARTICLE IV

Pursuant to the aims and purposes of this compact, the signatory bodies mutually agree:

1. Faithful cooperation in the abatement of existing pollution and the prevention of future pollution in the streams of the Conservancy District.

2. The enactment of adequate and, insofar as is practicable, uniform legislation for the abatement and control of such pollution.

3. The appropriation of biennial sums on the proportionate basis as set forth in Article III.

ARTICLE V

This compact shall become effective immediately after it shall have been ratified by the majority of the legislatures of the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and by the Commissioners of the District of Columbia, and approved by the Congress of the United States; provided, however, that this compact shall not be effective as to any signatory body until ratified thereby.

ARTICLE VI

Any signatory body may by Legislative action, after one year's notice to the Commission withdraw from this compact.